

certain petitions that have been rendered moot by other decisions we have made.

194. ABC, Inc. Petition.¹¹¹ With regard to KABC-TV in Los Angeles, California, ABC states that its DTV channel 8 allotment will cause interference to the NTSC channel 8 service of KFMB-TV in San Diego, California, 172 km away. ABC is also concerned that KABC-TV's DTV channel 8 operation would not achieve the predicted degree of replication because of interference from KFMB-TV. ABC states that KABC-TV is in one of three regions identified in the Joint MSTV Petitioners' petition as problem areas where existing NTSC service and future DTV service are most in jeopardy under the DTV Table. It states that it recognizes that a change in any individual allotment potentially will impact other NTSC and DTV stations. ABC did not submit an individual supplemental filing proposing an alternative allotment, but it was party to MSTV's *ex parte* filing of November 20, 1997.

195. As indicated above, we have reviewed the DTV allotments in the Southern California area and made a number of changes to address various interference concerns. In this regard, we are changing KABC-TV's DTV allotment from DTV channel 8 to DTV channel 53. To make this channel available, we are also changing the channel 53 DTV allotment for Santa Ana to channel 23. These changes will eliminate ABC's concern with regard to interference from KFMB-TV and will not adversely affect the service replication of other stations. Accordingly, we are granting ABC's request to change the DTV allotment of its KABC-TV and are amending the DTV Table to specify DTV channel 53.

196. Blade Communications, Inc. Petition and Supplemental Filing. Blade Communications, Inc. (Blade) requests that the DTV allotment for its station KTRV-TV, Nampa, Idaho be changed from channel 44 to channel 27. It states that operation on DTV channel 44 would create no new interference and would satisfy the criteria for DTV Table modifications. According to Blade, channel 44 would avoid problems associated with several nearby adjacent-channel DTV broadcasts. In addition, Blade states that it has filed an application for a new non-collocated site for KTRV-TV and that the proposed channel change would enhance its ability to operate from this site. Blade asks that we hold its initial DTV channel 27 allotment in reserve until testing is complete and we have authorized operation of the DTV channels without reservation.

197. We have reviewed Blade's request for KTRV-TV. Our analysis indicates that the DTV allotment for KTRV-TV can be changed from channel 27 to channel 44 without adversely affecting other stations. We therefore will change the DTV allotment for KTRV-TV to channel 44, as requested. We do not believe, however, that the public interest would be furthered by reserving for Blade both its new channel 44 DTV allotment and its initial channel 27 DTV allotment until at some unspecified time in the future it decides which is more advantageous for its purposes. We are therefore denying this part of Blade's request.

¹¹¹ We address ABC's requests regarding other stations below in the alphabetical section.

198. Blade also argues that the power levels assigned to its DTV allotments place its stations at a competitive disadvantage. Blade states that its WLIO-TV in Lima, Ohio, and other stations in similar straits, should be permitted to increase and maximize power now rather than in individual modification applications. Blade states that WLIO-TV currently operates at 661 kW on channel 35 but has been assigned DTV channel 20 with only 50 kW. Blade reports that it has been unable to demonstrate that replication at such low power is possible. It states that granting its station an immediate power increase would avoid costly, time-consuming procedures and would conserve the Commission's resources.

199. As stated above, we have adopted specific provisions in our rules to allow licensees to request an increase in their DTV facilities. We believe that to consider maximization requests as part of reconsideration would unfairly disadvantage parties that have expected that such requests would be dealt with under the rules. Accordingly, we are not granting requests, including those of Blade with regard to its station WLIO-TV, to increase or maximize the power of DTV allotments at this time. We further find that Blade has not submitted any technical showing or provided any additional information indicating that the DTV powers provided for its stations are inadequate for purposes of service replication. For example, our calculations indicate that Blade's WLIO-TV allotment of DTV channel 20 with 50 kW would result in an increase in both geographic area and population served. In addition, as stated above, we have provided increased flexibility for licensees to increase the effective power and field strength of their signals within their service areas through antenna beam tilting.

200. Bowling Green State University Petition and Supplemental Filing. Bowling Green State University (BGU) is the licensee of noncommercial educational station WBGU-TV, channel 27 in Bowling Green, Ohio. In its petition, BGU protests the fact that its station was assigned out-of-core DTV channel 56. BGU also believes that channel 56 in Detroit will cause harmful interference to WBGU-TV's operations. In addition, BGU notes that WTLW-TV in Lima, Ohio was assigned adjacent DTV channel 57, even though its transmitter is only 47 km from WBGU-TV. BGU states that the situation is particularly problematic because WBGU-TV relies heavily on economic support from the Lima area. BGU states that preliminary analysis indicates that DTV channel 22 would be a superior choice for its station.

201. In its supplemental filing, BGU states that WBGU-TV's transmitter is located 41 km southwest of Bowling Green and that, from this location, the station also provides Grade A and City Grade service to Lima, Ohio. It reiterates its concern that the distance between the DTV allotments for WBGU-TV and WTLW-TV does not meet separation requirements for new adjacent channel DTV allotments, and that the resulting interference will preclude WBGU-TV from serving Lima, the largest city in the area. BGU states that its consulting engineer, using guidance from the rules and OET Bulletin No. 69, found that no alternative core channel was available to WBGU-TV that would not result in interference to an existing NTSC station or new DTV allotment. BGU states that the possibility of an alternative channel for WTLW-TV in Lima was also studied, since this station's current DTV allotment would require it to move back into the core spectrum at the end of the transition, while a reallotment could save it the expense and inconvenience of a subsequent move. Based on this analysis, BGU submits that channel 47

might be an appropriate DTV allotment for WLTW-TV, given that station's existing operation on channel 44. BGU requests that we change the DTV allotment of either WTLW-TV or WBGU-TV to eliminate adjacent channel interference.

202. As discussed above, we have made a number of changes to address new data on DTV-to-DTV adjacent channel interference. In this regard, we have amended the DTV allotment for WLTW-TV from channel 57 to channel 47 to eliminate DTV-to-DTV adjacent channel interference between WTLW-TV and WBGU-TV, as requested by BGU.

203. California Oregon Broadcasting, Inc. Petition and Supplemental Filing. California Oregon Broadcasting, Inc. (COBI) is the controlling owner of three full service television stations and 36 low power and TV translator stations. COBI states that the DTV Table provides unacceptable replication for its stations KOB-TV, NTSC channel 5 in Medford, Oregon and KOTI-TV, NTSC channel 2 in Klamath Falls, Oregon. It also argues that adjacent channel DTV-to-DTV interference from KVAL-TV to its station KLSR-TV in Eugene, Oregon must be addressed. COBI states that KLSR-TV needs a new channel because of the disparities in power levels and antenna height, and that channel 31 appears to be available. In its supplemental filing, COBI suggests that substituting DTV channel 13 for channel 40 for KOTI in Klamath Falls will improve its service area coverage from 79.4% to 88.4%. COBI also states that use of DTV channel 7 in Medford would improve KOB-TV's replication to 92.6% without materially impacting channel 7 operations in other cities. In addition, COBI states that using DTV channel 31 in lieu of channel 26 for KLSR-TV will improve its coverage from 96.8% to 100% with no impact on other stations.

204. Oregon Public Broadcasting (OPB) filed comments expressing concern that DTV operation of COBI's station KOTI-TV on channel 11 might interfere with the co-channel DTV service of OPB's station KOAB-TV in South Bend, Oregon. It notes that these stations are 125 miles apart and may be able to co-exist; still, OPB urges that we examine carefully the potential for interference before proposing any change in KOTI-TV's DTV allotment and that we provide an opportunity for study and comment in advance of any change.

205. We have reviewed the changes requested by COBI. Our analysis indicates that use of DTV channel 13 by KOTI-TV in Klamath Falls and DTV channel 7 by KOB-TV would impact and cause additional interference to other stations. We are therefore denying COBI's requested changes with regard to the DTV allotments for these stations. With regard to COBI's request that the DTV allotment for its KLSR-TV be changed from 26 to 31, we find that such a change would eliminate potential adjacent channel DTV-to-DTV interference and are therefore granting this requested change.

206. CBS, Inc. Petition and Supplemental Filing.¹¹² CBS, in its petition, requests that we

¹¹² Other specific requests made by CBS are addressed below in the alphabetical section.

amend the DTV Table to take into account the modified facilities of its station WWJ-TV, channel 62 in Detroit, Michigan. CBS states that it filed an application for a modification of WWJ-TV's facilities in March 1995, and amended it in December 1995. CBS submits that, while we completed the coordination process with Canadian authorities well before the April 3, 1997 date used to develop the DTV Table, this application was not granted until April 21, 1997. CBS indicates that, as a result, WWJ-TV's DTV allotment does not reflect the station's new NTSC operating parameters and instead perpetuates in the DTV environment certain signal deficiencies that the NTSC modification application had corrected. In its supplemental filing, CBS asks that WWJ-TV be allotted DTV channel 65 rather than channel 44. CBS states that operation on channel 65 with an ERP of 169 kW and an antenna HAAT of 326 m. would provide near-complete replication of WWJ-TV's modified NTSC service area while meeting mileage separations requirements with respect to Canadian NTSC stations and without causing additional interference to any other stations. CBS states that WWJ-TV is one of four CBS-owned television stations that have volunteered to construct DTV facilities by November 1, 1998 and asserts that the requested allotment change is not expected to affect the timing of construction. CBS submits that, as channel 65 is not among the channels proposed for future public safety use in the proceeding to reallocate the 746-804 MHz band, its request would not keep Detroit-area public safety agencies from enhancing their capacity as needed.

207. With respect to CBS's initial request regarding the modified facilities of WWJ-TV, we are sympathetic to the unique situation that WWJ-TV faces, particularly in light of the fact that its modification application has been held subject to Canadian coordination for a number of years. We also recognize that, as one of the stations that has volunteered to construct facilities by November 1, 1998, it is in a particularly difficult situation with regard to facilities maximization. In addition, our analysis indicates that taking WWJ-TV's April 21, 1997 modification application grant into account for DTV allotment purposes will not significantly affect any other facilities. For these reasons, we are making an exception to our policy of only recognizing modification applications granted before April 3, 1997, and are amending the parameters associated with WWJ's channel 44 DTV allotment to better reflect its improved facilities, as currently licensed.

208. We are declining to grant the request made in CBS's supplemental filing that we change the DTV allotment for WWJ-TV to channel 65. As indicated above, we find that increased use of channels 60 to 69 is not warranted. We continue to find that the benefits associated with the rapid recovery of these channels are substantial. We further disagree with CBS that use of channel 65 would not impact public safety use of this spectrum. While CBS is correct in noting that channel 65 has not been allocated for public safety, this channel is immediately adjacent to the new public safety allocation and could affect those operations. We therefore are denying CBS's request that we change WWJ-TV's allotment to channel 65.

209. Channel 49 Acquisition Corporation Petition. Channel 49 Acquisition Corporation (WJCB) is the licensee of WJCB-TV, channel 49, in Norfolk, Virginia. WJCB asserts that its DTV channel 14 allotment is adjacent to frequencies used by land mobile and that use of channel

14 would require it to coordinate its application with such use. It states that protection from interference often requires technical adjustments at great expense and asserts that operation on another channel would alleviate these burdens. WJCB indicates that, based on the MSTV/NAB computer study, DTV channel 46 is available for assignment to WJCB-TV. WJCB states that, while it has been unable to conduct a full study without OET Bulletin No. 69, channel 46 appears to be acceptable. WJCB requests that channel 46 be allotted for its station instead of channel 14. WJCB did not file a supplement to its petition.

210. We have reviewed WJCB's request and find that channel 46 may be substituted for channel 14 without any adverse impact to other stations. We will therefore grant WJCB's request and modify the allotment for WJCB-TV to DTV channel 46.

211. Coast TV Petition. Coast TV is the permittee of a new television station on channel 38 in Santa Barbara, California. It states that, while it met the definition of a party eligible to receive a DTV allotment, and was allotted a DTV channel in the Sixth Further Notice, the Fifth Report and Order failed to include Coast TV in the list of eligible broadcasters, and the Sixth Report and Order did not provide Coast TV with an allotment for its new station. Coast TV requests that we correct this error and allot an appropriate DTV channel for its new station.

212. We have found that Coast TV is a broadcaster eligible to receive a DTV allotment.¹¹³ Coast TV meets the criteria set forth in Section 201 of the 1996 Telecommunications Act, and it should have been included in the list of eligible parties contained in the Fifth Report and Order and awarded a temporary channel for DTV service. We are correcting this oversight and amending the DTV Table to include a DTV allotment on channel 21 for Coast TV.

213. Cornell University and National Radio Astronomy Observatory Petitions. Cornell University (Cornell), the operator of the Arecibo Radio Astronomy Observatory (Observatory) in Arecibo, Puerto Rico, expresses concern that our allotment of DTV channel 38 to the neighboring community of Fajardo will impact observations in the 608-614 MHz band (channel 37) at the Observatory. Cornell states that, while it appreciates the fact that the 55 mile adjacent channel distance separation discussed in MM Docket No. 95-17 was used to develop the Puerto Rico/Virgin Islands portion of the DTV Table, that standard was not designed to provide protection where the Observatory will be in line of sight of two different channel 38 operations, one DTV and one analog.¹¹⁴¹¹⁵ It proposes that channel 15 or 16 be substituted for channel 38 in Fajardo. Cornell observes that channel 15 is currently not allotted to any community in Puerto Rico or the Virgin Islands and that, while channel 16 is allotted to Mayaguez, that community is

¹¹³ See Memorandum Opinion and Order addressing petitions for reconsideration of our DTV service rules.

¹¹⁴ See Notice of Proposed Rule Making in MM Docket No. 95-17, 10 FCC Rcd 2088 (1995).

at the opposite side of Puerto Rico from Fajardo, and the intervening terrain is quite mountainous.

214. In a separate, late-filed petition, the National Radio Astronomy Observatory (NRAO) also requests the DTV channel 38 allotment provided for WMTJ-TV, channel 40 in Fajardo, Puerto Rico, be changed. NRAO is concerned that operation of WMTJ-TV's DTV service on channel 38 would interfere with radio astronomy observations in the 608-614 MHz band (channel 37) by its Very Long Baseline Array (VLBA) radio telescope antenna at St. Croix, VI. NRAO submits that its technical analysis indicates that a significant potential exists for its St. Croix antenna to receive interference from any channel 36 or channel 38 antenna sites located virtually anywhere in the Virgin Islands or the eastern half of Puerto Rico. It states that the distance from WMTJ-TV's transmitter site to the VLBA's St. Croix antenna is only 142 km (88 miles), with no intervening obstacles. It also states that the Arecibo radio telescope is only partially shielded from this channel 38 allotment and that there exists a potential for disruption of radio astronomy observations by that facility as well. NRAO notes that Cornell University has requested that we change the WMTJ-TV's DTV allotment to channel 15 or 16 to avoid this interference and supports Cornell's petition in this regard. Alternatively, in the event we chose not to allot channel 15 or 16 for WMTJ-TV's DTV service at Fajardo, NRAO urges that we avoid using the following channels for DTV service in Fajardo that cause second or third harmonics to fall within the radio astronomy bands: 11, 14, 25, 27, 28, 31, 36, 38, 46, 47, 48, 49, 50, 51, 52, 53, 54, and 69.

215. We agree that protecting the National Radio Astronomy Observatory and its radio astronomy operations is important and would be in the public interest. Therefore, while we generally are not making changes without the concurrence of the affected broadcaster we believe that in this situation such a change is warranted and should be made. We have reviewed the changes suggested by Cornell and NRAO and find that channel 16 can be allotted to WMTJ-TV in Fajardo, Puerto Rico for its DTV operations. Accordingly, we are granting the requests of Cornell and NRAO and are amending the DTV Table by substituting channel 16 for channel 38 in Fajardo.

216. Cosmos Broadcasting Corporation Petition and Supplemental Filing.¹¹⁶ Cosmos requests that the channel 58 DTV allotment provided for its station KAIT-TV, NTSC channel 8 in Jonesboro, Arkansas be changed to channel 9. It states that this change would comply with our DTV allotment rules, except for a small short spacing to WKNO-TV on adjacent channel 10 in Memphis, Tennessee. Cosmos also argues that KAIT-TV's allotted DTV channel 58 would be short spaced to three proposed stations.

217. Mid-South Public Communications Foundation (Mid-South), the licensee of WKNO-TV, opposes Cosmos' request to change the allotment for KAIT-TV to channel 9. It

¹¹⁶ Cosmos's requests for changes to other DTV allotments are discussed below in the alphabetical section.

states that its plans are predicated on the availability of channel 10 and that it fears allotment of DTV channel 9 for KAIT-TV would preclude the use of channel 10 at Memphis for DTV. Mid-South states that DTV operations by Cosmos on channel 9 at Jonesboro also could result in significant interference to WKNO-TV's existing NTSC service. Mid-South states that such outcomes could result in the loss of existing and future public television service to Memphis.

218. We have reviewed Cosmos's request with regard to KAIT-TV. Our analysis indicates that channel 9 can be substituted for channel 58 without any significant impact on other stations, including Mid-South's WKNO. We are therefore granting Cosmos' request in this regard and changing the DTV allotment for KAIT-TV to channel 9.

219. Cosmos also requests that the channel 53 DTV allotment provided for its station KPLC-TV, channel 7 in Lake Charles, Louisiana be changed to channel 8. It states that all spacing standards would be met except with regard to two co-channel stations: KNOE-TV, in Monroe, Louisiana and KUHT-TV in Houston, Texas. Cosmos states that, with respect to KNOE-TV, the proposed reallocation would result in short spacing of 55 km and create new interference affecting 9.8 percent of KNOE-TV's Grade B coverage area. However, it argues that much of this area is outside the Monroe DMA and that the small affected areas inside the DMA are undeveloped federal property. Cosmos states that the proposed reallocation would be short spaced by 16.5 km to KUHT-TV and would affect only 0.3 percent of the viewers in that station's service area.

220. We have reviewed Cosmos's request with regard to KPLC-TV. Our analysis indicates that channel 8 can be substituted for channel 53 without any significant impact on other stations. We are therefore granting Cosmos' request in this regard and amending the DTV allotment for KPLC-TV from channel 53 to channel 8.

221. Cosmos submits that the existing service of its station, WTOL-TV, NTSC channel 11 in Toledo, Ohio, will receive a substantial amount of interference from the co-channel DTV allotment for WBNS-TV in Columbus, Ohio. It states that WTOL-TV expects to lose approximately 21,000 households within its DMA due to the predicted co-channel interference from WBNS-TV. Cosmos therefore requests that WBNS-TV be assigned a new DTV allotment.¹¹⁷ Dispatch, on behalf of station WBNS-TV, channel 10 in Columbus, Ohio, opposes Cosmos' petition for reconsideration. Dispatch states that the methodology used by Cosmos to predict interference to Cosmos' station WTOL-TV is inconsistent with the Longley-Rice methodology. In its supplemental filing, Cosmos indicates that it has reviewed the Test Plan for an experimental operation by WBNS-TV on channel 11. It states that this Test Plan provides a framework for shared testing and information gathering that will, hopefully, generate tangible evidence regarding the DTV broadcasts. Cosmos nevertheless states that the Commission could save both parties from expending further efforts to resolve this matter by assigning to WBNS-TV an alternate DTV allotment or establishing parameters for WBNS-TV so that its DTV

¹¹⁷ Cosmos notes that Dispatch, the licensee of WBNS-TV, has filed an opposition to this request but states that Dispatch itself has also requested that the DTV allotment for WBNS-TV be changed.

transmissions would not interfere with WTOL-TV's established NTSC service. Cosmos supported Dispatch's request for an alternative channel.

222. As indicated below, we have granted Dispatch's request that WBNS-TV be assigned an alternative channel. We therefore find that Cosmos' request that we assign WBNS-TV an alternative DTV channel is moot.

223. Dispatch Broadcast Group Petition and Supplemental Filing. Dispatch Broadcast Group (Dispatch), the licensee of WBNS-TV, channel 10 in Columbus, Ohio and WTHR-TV, channel 13 in Indianapolis, Indiana, argues that the model we used to assign power levels to new DTV stations is flawed. Dispatch asserts that because we used the Grade B contour to define NTSC coverage for high-band VHF stations, our model understates the actual NTSC coverage of such stations. To illustrate its point, Dispatch submits the recorded over-the-air viewing of WBNS-TV in several counties that lie beyond the station's Grade B contour.

224. In its supplemental filing, Dispatch requests that the DTV channel 10 allotment at 14 kW ERP for WBNS be changed. Dispatch states that DTV channel 21 with ERP from 854 to 1000 kW would allow WBNS-TV to more closely replicate its NTSC service area and would cause a minimal impact to other DTV and NTSC operations. Dispatch requests that we allot channel 21 for WBNS-TV's DTV service but conditions its request on the analysis of the test results from its experimental station.¹¹⁸ Dispatch states that the experimental station's results will assist it in evaluating the feasibility of an upper-adjacent DTV signal to a co-located, lower adjacent channel NTSC station. It states that it will promptly update its supplement following the completion of testing pursuant to its experimental authority. Comments submitted by Cosmos Broadcasting Corporation (Cosmos) support Dispatch's supplemental filing and the proposed change to DTV channel 21 for its licensed station WBNS-TV in Columbus, Ohio. Cosmos states that it will cooperate with WBNS-TV and engage in joint experimental testing if the station's initial DTV allotment is retained but notes that a grant of Dispatch's request would eliminate the need for these additional efforts.

225. We continue to believe that the Grade B contour is the appropriate measure to be used for service replication of existing television service, and we do not find that any additional considerations, such as suggested by Dispatch, should be taken into account in determining DTV channel allotments and powers under our service replication approach. While we recognize that reception can and does occur outside the Grade B contour, the Grade B contour has long been used as the planning factor and the area to be considered in the provision of NTSC analog television. In addition, throughout this proceeding the Grade B contour has been recommended and adopted by both the industry and the FCC as the appropriate planning consideration for DTV. We therefore are denying Dispatch's request that areas outside a station's Grade B contour be considered for service replication purposes. With regard to Dispatch's specific request to use

¹¹⁸ WBNS-TV has been given experimental authority to provide DTV operations on channel 11 in Columbus, Ohio (BPEXT-970225KE).

DTV channel 21 for its station WBNS-TV, we find that this channel may be used by WBNS-TV without causing unacceptable interference to other stations. We therefore are granting Dispatch's request and modifying the DTV allotment for its station WBNS-TV from channel 10 to channel 21.

226. Eagle III Broadcasting, L.L.C. Petition. Eagle III Broadcasting, L.L.C. (Eagle) is the licensee of KKCO-TV, channel 11 in Grand Junction, Colorado. Eagle requests that we change its DTV allotment from channel 14 to channel 12. Eagle submits that it cannot accommodate the 12,528-pound channel 14 antenna on any of the towers at its existing transmitter site on Black Ridge in the Colorado National Monument. It notes that there are approximately 20 users on the site at this time. Eagle submits that its discussions with the Bureau of Land Management, which administers the site, indicate that the possibility of reconfiguring the site, by replacing existing towers and relocating existing users, is remote. Eagle states that, if it were provided channel 12 for DTV, it could diplex both signals onto KKCO-TV's existing channel 11 antenna. Eagle provides a technical statement indicating that the use of channel 12 for KKCO-TV's DTV service will not result in a loss of service and that a DTV channel 12 allotment at Grand Junction would be short spaced by 6.4 km to the co-channel NTSC service of KOBF-TV in Farmington, New Mexico but no interference would occur. Eagle states that our database erroneously shows KKCO-TV's visual ERP as 138 kW, when in fact the station operates at a visual ERP of 155 kW.

227. We have reviewed Eagle's request, and our analysis indicates that channel 12 may be substituted for channel 14 without any adverse impact to other stations. We are therefore granting Eagle's request and modifying the DTV allotment for station KKCO-TV to channel 12. With regard to Eagle's claim that there is an error in our data on the ERP of KKCO-TV, we have reviewed our engineering records and confirmed that this station was authorized an ERP of 138 kW, as of April 3, 1997. Therefore, our records are correct and we are not modifying the DTV power assigned to Eagle's KKCO-TV.

228. Eastern Washington and Northern Idaho DTV Channel Allocation Caucus Petition and Supplemental Filing. The Eastern Washington and Northern Idaho DTV Channel Allocation Caucus (the EWNIC) states that its members include all of the known affected television stations in the Spokane, Washington and Yakima-Pasco-Richland-Kenewick, Washington markets.¹¹⁹ The EWNIC submits that the DTV allotments and assignment pairings provided in the DTV

¹¹⁹ These stations are: KAPP-TV, Yakima, WA and KVEW-TV, licensed to Apple Valley Broadcasting, Inc.; KAUP-TV, Pendleton, OR, licensed to Communications Properties, Inc.; KUID-TV, Moscow, ID and KCDT-TV, Coeur d'Alene, ID, licensed to the Idaho State Board of Education; KYVE-TV, Yakima, WA, licensed to KCTS Television; KHQ-TV, Spokane, WA, licensed to KHQ, Inc.; KREM-TV, Spokane, WA, licensed to King Broadcasting Company; KSKN-TV, Spokane, WA, licensed to KSKN, Inc.; KAYU-TV, Spokane, WA, licensed to Mountain Licenses, L.P.; KLEW-TV, Lewiston, ID, KEPR-TV, Pasco, WA, and KIMA-TV, Yakima, WA, licensed to Retlaw Enterprises, Inc.; KSPS-TV, Spokane, WA, authorized to Spokane School District No. 81; KXLY-TV, Spokane, WA, licensed to Spokane Television, Inc.; and KTNW-TV, Richland, WA, and KWSU-TV, Pullman, WA, licensed to Washington State University.

Table for the eastern Washington State and northern Idaho region are unsatisfactory in that they would cause unnecessary loss of coverage, hardship, and delay in the implementation of digital service for a number of Spokane and Yakima television stations. The EWNIC submits that the DTV Table fails to account for the mountainous terrain, thick evergreen forests, and sparse population pattern of eastern Washington and northern Idaho by assigning a number of high UHF channels in the region. It is concerned that signals on the upper UHF frequencies are less able to penetrate obstructions and transmit long distances than signals on high-band VHF or lower tier UHF frequencies. It states that, as a consequence, several stations in the region likely would experience substantial delay and be subject to unnecessarily high expenses in attempting to operate on the assigned frequencies.

229. The EWNIC submits that, because stations in eastern Washington and northern Idaho are terrain-blocked from stations in adjacent geographic areas, it has been successful in negotiating a modified channel plan for the region that resolves the problems discussed above and satisfies the Commission's criteria for modification of the DTV Table. It states that this plan has been accepted by all affected broadcasters, improves coverage, and lowers power requirements while meeting our criteria for DTV Table modification. It submits that the allotments proposed in its plan generally satisfy the spacing requirements for DTV stations set forth in Section 73.623 of the rules. The EWNIC states that, in instances of short-spacing, any potential interference in most cases would be rectified through terrain shielding. It does note, however, that one allotment in its proposed plan, channel 13 for KXLY-TV, is a vacant allotment NTSC allotment in Canada. The EWINC asks us to ensure that our negotiations with Canada take into account proposals for reconsideration of the current DTV Table.

230. The EWINC states that its plan also supports our spectrum recovery efforts by relocating DTV allotments from channels 47-69, to permit reclamation of contiguous blocks of frequencies, and from channels 2-6, to permit the evaluation of the low-VHF frequencies during the initial phases of DTV implementation. It also states that it designed its plan with the goal of minimizing adverse impact on LPTV and TV translator stations. The EWNIC asks that we reconsider our DTV allotment plan in the eastern Washington and northern Idaho region and instead adopt the modified channel allocation plan its members have negotiated.

231. The EWNIC-recommended allotment plan for the eastern Washington and northern Idaho region is as follows:

<u>Station</u>	<u>NTSC Chan.</u>	<u>FCC DTV Chan.</u>	<u>EWNIC DTV Chan.</u>
KREM-TV	2	57	20
KXLY-TV	4	54	13
KHQ-TV	6	55	15
KSPS-TV	7	39	39
KSKN-TV	22	38	36
KCDT-TV	26	56	45

KAYU-TV	28	29	30
KLEW-TV	3	32	32
KWSU-TV	10	17	17
KUID-TV	12	33	35
KEPR-TV	19	20	18
KTNW-TV	31	30	38
KVEW-TV	42	14	44
KAUP-TV	11	4	8
KCWT-TV	27	56	46
KIMA-TV	29	52	33
KAPP-TV	35	34	14
KYVE-TV	47	21	21

232. The EWINC's supplement amends its petition to: 1) delete inadvertent references to station KNDU, Richland, Washington (although KNDU is not a member of the Caucus, the EWINC states that no conflict exists between its alternative channels and KNDU and that KNDU shares this view); 2) eliminate Longley-Rice and terrain profile showings for vacant channel 15, Grangeville, Idaho in connection with KHQ-TV's proposed alternative DTV channel; 3) clarify that no conflict exists between the alternative DTV channel requests of station KPDX (NTSC channel 49, DTV channel 48) in Vancouver, Washington, and the EWINC's member KVEW-TV (NTSC channel 42, FCC DTV channel 14) in Kennewick, Washington (although both KVEW and KPDX have requested DTV channel 44, the EWINC notes that these proposals meet the DTV-to-DTV co-channel spacing requirements); and 4) provide a technical statement affirming that analysis of the proposal in light of OET Bulletin No. 69 did not alter its conclusions.

233. As indicated above, we intend to provide broadcasters with the flexibility to develop alternative allotment approaches. We stated that we would endorse voluntary negotiations among broadcasters as part of the allotment/assignment process.¹²⁰ We believe that the EWINC's proposed changes generally meet the standards for our voluntary coordination efforts. We further find that the proposed changes would not have a significantly greater impact on LPTV or TV translator operations than our original proposed allotment scheme for this region. Accordingly, we are granting the EWINC's reconsideration request and are making the requested amendments to the channel allotments in DTV Table for the stations listed above. DTV powers will be assigned to each channel allotment in accordance with our general allotment and service replication policies, as shown in the attached Appendix. We have informally notified Canada of our intention to modify the DTV Table, as requested by the EWINC, and will pursue the allotment of channel 13 for KXLY-TV in our negotiations on the implementation of digital television services by both countries.

234. Estate of Hector Nicolau Petition and Supplemental Filing. The Estate of Hector

¹²⁰ See Sixth Report and Order at paragraphs 172 and 182.

Nicolau (Nicolau) seeks reconsideration of the channel 67 allotment provided for its station WTIN-TV, channel 14 in Ponce, Puerto Rico. Nicolau states that it is unfair to require a small station like WTIN-TV to undertake two channels changes in its DTV transition. It states that requiring the station to purchase and install equipment for DTV operation on channel 67 and then purchase and install (or convert) equipment for operation on a second channel could be cost prohibitive. It further states that changing channels twice could cause the station to lose audience unless it undertakes expensive public information campaigns. Nicolau submits that we could resolve its concerns by allotting a channel in the core spectrum for WTIN-TV. It provides an engineering statement identifying channel 15 as a possible substitute. This statement indicates that the main interference concern from operation of WTIN-TV's DTV service on channel 15 is to an application for NTSC facilities on channel 15 in the Virgin Islands. The statement submits that WTIN-TV would operate its DTV facility with an antenna pattern similar to its NTSC facility, which has a deep protection null in the direction of the proposed facility. It states that any interference that might result would fall over the Atlantic Ocean between Puerto Rico and the Virgin Islands. It submits that the terrain in Puerto Rico will greatly limit propagation in this direction.

235. In its supplemental filing, Nicolau states that, using guidance from OET Bulletin No. 69, it has determined that channel 15 could be used for WTIN-TV's DTV service without creating any more interference than would result from operation on DTV channel 67. It submits that continuity of service would provide greater certainty to WTIN-TV's viewers and that optimal service to the public is more likely ensured if the licensee is not burdened with the additional costs of multiple channel changes. It requests that channel 15 be substituted for WTIN-TV's channel 67 DTV allotment at Ponce.

236. We have reviewed Nicolau's request. Our analysis indicates that channel 15 can be substituted for channel 67, provided that a protection null is maintained in the antenna pattern of WTIN-TV in the direction of the Virgin Islands. Thus, we are granting Nicolau's request and modifying the DTV allotment for its station WTIN-TV from channel 67 to channel 15.

237. Fouce Amusement Enterprises Petition and Supplemental Filing. Fouce Amusement Enterprises (Fouce), the licensee of KRCA-TV, channel 62 in Los Angeles, California, submits that because the DTV channel 69 allotment provided for KRCA-TV is adjacent to land mobile operations and is outside the DTV core spectrum, it is not a viable DTV allotment. Fouce first states that KRCA-TV's channel 69 DTV allotment is located within a few hundred meters of a substantial number of adjacent channel land mobile base stations that operate at the station's Sunset Ridge transmitter site. In addition, Fouce states that a large number of additional land mobile stations operate within a 10 mile radius of KRCA-TV's transmitter site. It argues that KRCA-TV's obligation to protect these land mobile operations from interference would preclude the station from operating on its assigned DTV channel. Fouce asks that we provide a different DTV channel for KRCA-TV on which it can provide competitive service.

238. In subsequent filings, Fouce proposes a number of alternatives for KRCA-TV. For example, it suggests that channel 68 be allocated for its NTSC operation and that channel 62 be allocated for its DTV operation. Alternatively, it suggests that these channels be reversed, with channel 62 allocated for its NTSC operation and channel 68 allocated for its DTV operation. In addition, it indicates that both alternatives could involve a modification of KCRA's transmitter location from Sunset Ridge to Mt. Wilson. Fouce argues that this will permit greater co-location and improved service to the Los Angeles market.

239. We agree with Fouce that DTV operation on channel 69 is not possible in the Los Angeles market. We therefore are amending the DTV allotments for the Los Angeles area to eliminate the use of channel 69. As part of these changes, we are amending the DTV allocation for KRCA-TV from channel 69 to channel 68. We are not modifying the transmitter site for KRCA-TV. As indicated above, we find that requests to change transmitter sites should be dealt with under the DTV allotment modification procedures provided for in the rules and not as a matter for reconsideration.

240. Fox Television Stations, Inc. Petition and Supplemental Filing. Fox states that its WTTG-TV in Washington, DC was assigned DTV channel 6, an assignment that is short spaced to three other channel 6 NTSC stations (158 to 226 km rather than the Zone I spacing of 244.6 km) and that this allotment therefore will support less replication than those of the station's competitors. Fox asks us to allot a new DTV channel for WTTG-TV and suggests channels 19 or 63 as alternatives.

241. The Executive Committee of the Board of Trustees of American University (WAMU-FM), the licensee of noncommercial radio station WAMU-FM, Washington, D.C., submits that the allotment of channel 6 for WTTG-TV is likely to result in interference to WAMU-FM. It states that the problem of interference between TV channel 6 operations and radio stations in the noncommercial FM band, particularly those in the lower end of that band, is well known. WAMU-FM states that while our limitation of WTTG-TV's DTV power to 6.6 kW may ameliorate interference to some extent, the amount of interference is not predictable and may be higher than expected. It urges that we allot WTTG-TV another DTV channel.

242. We have reviewed Fox's suggestion of channels 19 or 63 as alternatives to its channel 6 DTV allotment for WTTG-TV and find that neither channel would be appropriate. Our analysis indicates that it would be difficult, if not impossible, for WTTG to implement DTV on channel 19 without causing interference to land mobile operations in the Washington area. We further find that use of channel 63 would be contrary to our spectrum reclamation efforts and the 1997 Budget Act. We have, however, reviewed carefully the allotments for Washington, D.C. and surrounding areas. We find that due to terrain considerations, DTV channel 36 may be used by WTTG-TV in the Washington area without impacting other stations. We therefore grant Fox's request that WTTG-TV be allotted an alternative channel and modify its DTV allotment from channel 6 to channel 36.

243. Golden Link TV, Inc. Petition. Golden Link TV, Inc. (GLTV), the licensee of KPST-TV, channel 66 in Vallejo, California, requests that we assign KPST-TV a different DTV channel that would allow the station to maximize its facilities. GLTV states that the DTV channel 30 allotment provided for KPST-TV is short-spaced to two stations, KRCB-TV, NTSC channel 22 in Cotati, California and KDTV-TV, DTV channel 29 in San Francisco, California. It submits that the short-spacings will keep it from maximizing in the direction of its community of license, while three other stations in the San Francisco/Oakland market are authorized to operate at the maximum 1,000 kW. GLTV also observes that because KPST-TV's NTSC channel is outside of the core spectrum, the channel 30 allotment could become its permanent DTV channel. It is concerned that the station could be irreparably harmed if it is precluded from maximizing its facilities while other, similarly situated broadcasters are able to maximize. GLTV did not submit a supplemental filing.

244. We have changed KPST-TV's DTV allotment from channel 30 to channel 34 to address new information on adjacent DTV-to-DTV operation. We have not analyzed whether this change would improve KPST-TV's ability to maximize its facilities in the future. We note, however, that KPST-TV's DTV allotment is estimated to serve almost 40% more population than is now served by its analog facilities.

245. Harte-Hanks Television, Inc. Petition. Harte-Hanks Television, Inc. (Harte-Hanks), the licensee of KENS-TV, NTSC channel 5 in San Antonio, Texas, requests that we correct the coordinates for this station's DTV channel from 29-16-07 to 29-16-10 N., as indicated on its current license, and make any other related corrections.

246. We have corrected the coordinates for the NTSC channel 5/DTV channel 55 allotment, in our database and Appendix B, to reflect the current coordinates of station KENS-TV, as requested by Harte-Hanks.

247. HMI Broadcasting Corp. Supplemental Filing. HMI Broadcasting Corp. (HMI), the licensee of WPTZ-TV, channel 5 in North Pole, New York, WCHS-TV, channel 8 in Charleston, West Virginia, and other television stations, did not file a petition for reconsideration. It states that the Heritage Media Corporation, its parent company, filed comments in this rule making on July 18, 1997 on behalf of WPTZ-TV and WCHS-TV. HMC stated that, since it had not then had an opportunity to evaluate its DTV channel under the OET methodology, it would file such comments at a later time. In its supplemental filing, HMI requests that we change the DTV allotment for WPTZ-TV from channel 14 to channel 19 and also change the DTV allotment for WCHS-TV from channel 55 to channel 41.

248. With regard to WPTZ-TV, HMI suggests that DTV operation by WPTZ-TV on channel 14 could cause interference to land mobile operations on adjacent frequencies, a problem which could require the station to reduce power. It submits that an allotment study using the methodology of OET Bulletin No. 69 indicates that WPTZ-TV could better replicate its service area on channel 19. HMI states that DTV operation on channel 19 would avoid the potential

interference to land mobile service and would not create impermissible interference to nearby television stations.

249. We have reviewed HMI's request regarding WPTZ-TV. We recognize that the successful implementation of channel 14 for DTV use will require careful engineering and may result in some additional costs. However, we note that channel 14 is being used successfully for NTSC television service without causing interference to, or receiving interference from, adjacent land mobile operations. Our analysis also indicates that the requested change would impact and cause increased interference to other stations. We therefore deny HMI's request to change WPTZ-TV's DTV allotment from channel 14 to 19.

250. With regard to WCHS-TV, HMI is concerned that because the station's channel 55 DTV allotment is not in the core spectrum, it will be required to move its DTV operations to a channel in the core spectrum at a later date, which will place the station at a competitive disadvantage. HMI states that WCHS-TV could operate its DTV service on channel 41 in compliance with our technical rules and would also be able to replicate its NTSC service area on this channel.

251. We have reviewed HMI's request regarding WCHS-TV, and our analysis indicates that channel 41 may be substituted for channel 55 without any adverse impact to other stations. We further note that this change would address potential DTV-to-DTV adjacent channel interference concerns. We are therefore granting HMI's request and modifying the DTV allotment for WCHS-TV to channel 41.

252. Island Broadcasting, Inc. Petition. Island Broadcasting, Inc. (IBI), the licensee of KTGM-TV, channel 14, Tamuning, Guam, submits that the DTV Table contains no reference to Guam in general, or to KTGM-TV and Tamuning in particular. IBI states that as the licensee of a full service television station, it is eligible for a DTV allotment and requests that we revise the DTV Table to include KGTM-TV. Because of Guam's isolated geographic location, IBI believes there are several possible channels that could be allotted to replicate KTGM-TV's service area. It notes that NTSC channels 4, 8, 10, and 12 are allotted at Agana, and channels 14 and 20 are allotted at Tamuning. IBI states that allotting DTV channel 16 or 17 to Tamuning for use by KTGM-TV would be consistent with our goals of minimizing adjacent DTV channel allotments and minimizing DTV operating and transition costs in a small market such as Guam.

253. The DTV Table of Allotments contained in the Sixth Report and Order inadvertently did not specify DTV allotments for eligible broadcasters in certain U.S. possessions, such as Guam. Accordingly, as requested by IBI, we are amending the DTV Table and Appendix B to provide DTV allotments for KGTM-TV and other eligible broadcast entities in affected U.S. possessions.

254. JDG Television, Inc. Petition and Supplemental Filing. JDG Television, Inc. (JDG) is the licensee of KPOM-TV, channel 24 in Ft. Smith, Arkansas and of KFAA-TV, channel 51 in

Rogers, Arkansas. JDG states that the allotment of DTV channel 17 at 73 kW to KPOM-TV and DTV channel 50 at 50 kW to KFAA-TV may jeopardize these stations' ability to serve and compete in their markets. In its supplemental filing, JDG requests that we allow KPOM-TV to operate on channel 17 with at least 73 kW, using an omnidirectional antenna, or otherwise replace the station's current DTV channel. It is concerned that KPOM-TV's DTV service could receive interference from adjacent channel operation by KFSM-TV. JDG next submits that, using OET Bulletin No. 69, it has determined that KFAA-TV must reduce power to 42 kW in order to comply with the station's directional power limits. To avoid loss of service, JDG requests that KFAA-TV be allowed to operate its DTV service with 50 kW ERP and an omnidirectional antenna.

255. We are denying JDG's request to operate with additional power. We have adopted specific rules for maximization, and if JDG wishes to request additional power, it should do so in accordance with those rule procedures. With regard to JDG's request that its station KPOM-TV be provided with a new channel, we have changed KPOM-TV's allotment from channel 17 to channel 27 to address recent DTV-to-DTV adjacent channel interference concerns. Accordingly, we are granting JDG's request to this extent.

256. KCWB-TV, Inc. Petition. KCWB-TV, Inc. (KCWB) is the permittee of KCWB-TV, NTSC channel 32 in Kansas City, Missouri. Although KCWB holds a CP for channel 32, it in fact currently broadcasts on channel 29 pursuant to a special temporary authority; and a rule making is currently pending to substitute channel 29 for 32 at Kansas City and to modify KCWB-TV's CP accordingly. KCWB states that its use of channel 29 appears to be consistent with the DTV Table and urges that this channel continue to be protected in the event of any revision. It notes that use of channel 32 and the antenna site specified in its CP is precluded by zoning and FAA restrictions. In addition, it states that its broadcast operations on channel 29 are located over 5 km from the location specified in its CP. It states that, without OET Bulletin No. 69, it has not been able to assess whether the allotment of DTV channel 31 is suitable for operation at its actual transmitter site and would replicate its channel 29 service area. KSWB did not submit a supplemental filing.

257. We were aware of the situation with regard to KCWB, and we developed the DTV Table to protect the channel 29 transmitter site with these circumstances in mind.

258. Kentuckiana Broadcasting, Inc. Petition and Supplemental Filing. Kentuckiana Broadcasting, Inc. (Kentuckiana), the licensee of WFTE-TV, channel 58, Salem, Indiana, is concerned about operating on its adjacent DTV channel 57 allotment. In its supplemental filing, Kentuckiana submits that channel 51 is available for DTV use from WFTE-TV's existing transmitter site and that the station could replicate its existing service on that channel. It requests that we replace WFTE's channel 57 DTV allotment with channel 51. It indicates that channel 51 at WFTE-TV's existing transmitter site would be short spaced by only 4 km to a co-channel NTSC station to be built at Hopkinsville, Kentucky under a pending application, and that the channel otherwise appears to meet DTV spacing standards.

259. We have reviewed Kentuckiana's request. Our analysis finds that channel 51 may be used by WFTE-TV without impacting other broadcast stations. We are therefore granting Kentuckiana's request and modifying the DTV allotment for station WFTE-TV to channel 51. We note that this will eliminate one of the 13 situations in which both the NTSC and DTV channels of a station fell outside the core spectrum.

260. KM Communications, Inc. Petition and Supplemental Filing. KM Communications, Inc. (KMC) is the licensee of four LPTV stations and the permittee for three new full power stations. KMC first requests that we change the channel 28 DTV allotment provided for its KCFG-TV, channel 9 in Flagstaff, Arizona. It states that the transmitter sites for KCFG-TV and KWBK-TV,¹²¹ also in Flagstaff, and for which adjacent DTV channel 27 has been provided, are approximately 31 km apart. KMC states that, although the allotments technically comply with the minimum geographic spacing requirements for first adjacent DTV channels, analysis under the guidelines of OET Bulletin No. 69 indicates that interference potentially could occur between these DTV stations. To prevent this potential first adjacent channel interference, KMC requests that we allot an alternate DTV channel for either KCFG-TV or KWBK-TV. KMC states that its analysis indicates that channel 32 could provide full replication for either station. In addition to the channel change requests discussed above, KMC states that it is a permittee for a new station on channel 58 in Sierra Vista, Arizona (KAUC-TV, now KWBA-TV). KMC also indicates that, since the filing of its petition, the construction permit for KWBA-TV has been transferred to Sierra Television L.L.C., a co-owned entity. It asserts that the DTV channel 44 allotment for this station does not replicate the station's authorized NTSC service, as amended on June 28, 1996, but rather reflects its earlier CP. KMC requests that the database be modified to reflect this amendment and states that the correct KWBA-TV transmitter site is 31° 45' 33" N and 110° 48' 02" W. KMC also states that it has a pending petition to substitute NTSC channel 33 for channel 14 at Boise, Idaho to avoid certain land mobile concerns and requests that we protect this proposed substitution.

261. We have reviewed KMC's request regarding KCFG-TV, and our analysis indicates that channel 32 may be substituted for channel 28 without any adverse impact to other stations. We are therefore granting KMC's request and modifying the DTV allotment for station KCFG-TV to channel 32. With regard to the coordinates of KWBA-TV, we have corrected the database to reflect the currently authorized transmitter site, as KMC requests. We are not granting KMC's request to take into account its pending petition to substitute channel 33 for channel 14 for its station in Boise. Our goal is to provide all eligible broadcasters with the best available channels for their DTV operations. We find that eliminating potential candidate DTV channels that might affect this goal merely because another party filed a petition would not be in the public interest.

¹²¹ The call sign of KWBK-TV is now KPBX-TV. Paxson Communications Corporation (Paxson), the previous licensee of this station, objected to KMC's request that KWBK be allotted a new DTV channel, asserting that KMC's proposal to use channel 32 would create new interference to a population of 9,000 for its station. Paxson also argued that KMC had produced no technical showing regarding the viability of its proposal.

262. KMSB-TV, Inc. Petition and Supplemental Filing. KMSB-TV, Inc., the licensee of KMSB-TV, channel 11, Tucson, Arizona, submits that its current channel is designated as a hyphenated Tucson-Nogales allotment under Section 73.606 of the rules. It is concerned that the Sixth Report and Order allots the station's paired DTV channel 25 to Nogales. KMSB-TV requests that we pair its DTV allotment to Tucson-Nogales to reflect the historical and unique regulatory status of KMSB-TV. It also requests that we change its DTV allotment from channel 25 to channel 21 and change its reference coordinates from 31° 42' 18" N and 110° 55' 26" W to 32° 24' 54" N and 110° 42' 59" W, the site of the main Tucson antenna farm. KMSB-TV states that modifying the station's channel 25 allotment and location would facilitate the introduction of new DTV services and promote its economic viability. In its supplement, KMSB modifies its request to ask only that its existing channel 25 DTV allotment be relocated to the Mount Bigelow site. It states that a change to channel 21 is no longer needed. It states that, after reviewing the channel 25 allotment in light of OET Bulletin No. 69, it has determined that channel 25 is satisfactory for providing service to the Tucson market, but that operation at Mount Bigelow would be significantly superior to operation at Mount Hopkins. It states that moving to Mount Bigelow would eliminate one Mexican co-channel short spacing (Nacozari, SO) and one taboo short spacing (Nogales, SO) and would significantly alleviate the remaining short spacing and taboo problems.

263. As indicated above, we generally believe that requests to change transmitter sites should be dealt with through the DTV allotment modification procedures provided for in the rules and not as a matter for reconsideration. In this particular instance, however, we believe that the public interest would be served by making the requested change at this time. Because of KMSB-TV's proximity to the U.S.-Mexican border, adopting this change now will allow us to take it into account in our on-going coordination efforts with Mexico and may help facilitate those efforts by providing additional geographic spacing with certain Mexican allotments. Accordingly, we are modifying the transmitter site coordinates associated with the KMSB-TV's DTV allotment and are correcting the community designation for the allotment from Nogales to Tucson.

264. KVOA Communications, Inc. Petition. KVOA Communications, Inc. (KVOA) is the licensee of television station KVOA-TV, channel 4 in Tucson, Arizona. It states that the assignment of DTV channel 31 to KVOA places it among the minority of broadcasters that would have a drastically reduced service area, as KVOA-TV's DTV coverage would replicate only 81.6% of its current NTSC coverage area. KVOA asks that we reconsider its channel assignment and, if necessary, that we reevaluate the overall assignment criteria that produce such disparate results. KVOA states that it will not be able to provide competitive service when other stations in the market achieve full or significantly higher replication. It also states that broadcasters must be provided additional time to comment after the release of OET Bulletin No. 69. KVOA did not submit a supplemental filing.

265. To address new DTV-to-DTV adjacent channel interference concerns, we have changed KVOA-TV's DTV allotment from channel 31 to channel 23. This change will also

result in a slight improvement in the service replication of this station.

266. Land Mobile Communications Council Petition. The Land Mobile Communications Council (LMCC) expresses concern regarding the allotment of channel 69 for DTV service by Fouce's KCRA-TV in Riverside, California. LMCC states that this allotment will result in interference to existing Los Angeles-area public safety, private, and special mobile relay (SMR) systems. It submits that there will be almost no isolation, except for free space loss, between an adjacent channel DTV allotment and the existing land mobile base station receivers near the band edge. It states that examination of license data shows a number of facilities in close proximity to KCRA-TV; for example, Los Angeles County operates public safety facilities only 0.3 mile away from KCRA-TV's existing transmitter site.

267. LMCC argues that this allotment and others within channels 60-69 may also hamper near-term recovery of that spectrum for use in the Los Angeles area. It notes that the DTV Table places 15 DTV allotments in this spectrum in the Los Angeles area. LMCC asks that we designate alternative allotments that have no potential to affect either existing land mobile operation or near-term spectrum recovery efforts. It states that preliminary analysis by Motorola indicates several possible options for the Los Angeles area that deserve further study. For example, it submits that channel 12, which is adjacent to operations on channels 11 and 13, may have been rejected as a DTV allotment on Mt. Wilson because the potential sites for use of this channel, while on Mt. Wilson, were not exactly co-located. LMCC also believes that channel 55 may be a substitute DTV allotment that KCRA-TV in Riverside may prefer to channel 69. If an alternative allotment cannot be found, LMCC requests that we reaffirm that KCRA-TV and other stations with channels adjacent to existing land mobile operations bear the responsibility of ensuring their operations cause no harmful interference to land mobile systems. In view of the congestion of land mobile spectrum in the Los Angeles area, LMCC states that it does not view *de facto* removal from operation of land mobile channels adjacent to channel 69 to be an acceptable way of discharging these responsibilities.

268. Fox states that most of the unilateral solutions proposed in the petitions of Los Angeles and San Diego area licensees will negatively affect its KTTV-TV's ability to maintain the station's current NTSC coverage or to provide DTV service to the widest possible audience. For these reasons, it opposes several suggested changes to the Table. First, it opposes LMCC's suggestion that a channel 12 DTV allotment would work for KTLA-TV, KTTV-TV, or KCOP-TV, all of which currently are sited on Mt. Wilson. Fox states that any channel 12 operation in Los Angeles will cause unacceptable interference to KTTV-TV's NTSC operation in that community and will also cause interference to channel 12 in Ensenada, Mexico.

269. As indicated above, we are amending the DTV allotments for the Los Angeles area to eliminate the use of channel 69. We believe that this change addresses LMCC's concern with regard to Fouce's KCRA-TV. As to LMCC's concerns that the use of channels 60-69 may hamper the near-term recovery of that spectrum for other use in the Los Angeles area, we note that we have attempted to eliminate the use of these channels for DTV where possible. Our first

goal in this proceeding, however, is the successful implementation of DTV. We therefore believe it is important to use these channels where needed to ensure that our DTV goals of full accommodation and minimizing interference are met. We have reviewed LMCC's suggested alternative channels, 12 and 55, and find that the use of these channels would either cause unacceptable interference or violate Mexican protection requirements. Accordingly, we are not making these changes.

270. Media General, Inc. Petition and Supplemental Filing.¹²¹ Media General asks that Fox's WTTG-TV in Washington, DC be allotted a different DTV channel that does not interfere with its station WTVR-TV, channel 6 in Richmond, Virginia. Media General states that interference its station will receive from WTTG-TV's DTV channel 6 in Washington, D.C. will result in loss of 16-20% of the station's audience. Fox agrees that there will be interference problems between WTVR-TV and WTTG-TV, and it indicates that it has requested that another channel, such as DTV channel 19, be found for its WTTG-TV.

271. As discussed above, we have granted Fox's request that its WTTG-TV be allotted another DTV channel and have allotted that station channel 36. We believe that this channel change fully addresses Media General's interference concerns with regard to this matter, and that its request regarding WTTG-TV is therefore moot.

272. Media General, in its supplemental filing, request that the DTV allotment for WHLT-TV in Hattiesburg, Mississippi, be changed from channel 23 to channel 58. It states that this change would create no new interference to other stations. It urges that broadcasters be permitted to operate on non-core spectrum if they wish to do so. It states that channel 58 would avoid potential adjacent channel problems and allow the station to operate at a maximum ERP of 1000 kW instead of 50 kW. Thus, it requests that WHLT-TV be reassigned channel 58 and authorized to operate at 1000 kW ERP. Media General also asks that we refrain from reassigning its original channel until it has fully tested operation on the channel.

273. We have reviewed Media General's request regarding WHLT-TV, and our analysis indicates that channel 58 may be substituted for channel 23 without any adverse impact to other stations. We therefore are granting Media General's request in this regard and amending the DTV allotment for WHLT-TV to channel 58. We are, however, denying Media General's request to operate at higher power. The power assigned to WHLT-TV's new channel 58 allotment will be in accordance with our service replication policies. We have adopted rules for maximization and any request for additional power should be in accordance with those rules. We also find that Media General's request that we reserve its original DTV channel allotment for its station until it has fully tested operation on its suggested alternative channel is not in the public interest. Granting such a request may prevent other parties from improving their DTV service or offering new DTV service. Accordingly, we are denying this aspect of Media General's request

¹²¹ Media General's other specific requests are discussed below in the alphabetical section.

with regard to WHLT-TV.

274. Meredith Corporation Supplemental Filing. Meredith Corporation (Meredith) is the licensee of WOFL-TV, channel 35 in Orlando, Florida. Meredith only submitted a supplemental filing but stated that it had participated in the Joint MSTV Petitioners' petition. In its supplemental filing, Meredith advises that it has discovered an error in our database -- an inversion of WOFL-TV's directional array that would have the station's major lobe covering the Atlantic Ocean. Meredith attaches an engineering map of the station's existing licensed contour as well as the contours it has proposed for the station in its June 1996 minor modification request, which is still pending. This map shows that the contour's major lobes are at approximately 10, 130, and 250 degrees. Meredith also includes an engineering map of WOFL-TV's predicted DTV contour, based on the database MSTV believes we used in creating the DTV Table. It states that the database appears to have inverted the WOFL-TV contour, placing the main lobes at approximately 60, 180, and 310 degrees. Meredith requests that we correct this error.

275. We agree with Meredith that our database was in error and have corrected the antenna pattern for its station WOFL-TV, as requested.

276. Midwest Television, Inc. Petition and Supplemental Filing. Midwest Television, Inc. (Midwest) is the licensee of KFMB-TV, channel 8 in San Diego, California and WCIA-TV, channel 3 in Champaign, Illinois. Midwest requests reconsideration of: 1) the allotment of DTV channel 8 to KABC-TV in Los Angeles, which it states will cause interference to its KFMB-TV's channel 8 NTSC service; 2) the allotment of DTV channel 55 to KFMB-TV, which it states will result in spacing problems with Mexican NTSC allotments; and 3) the assignment of DTV channel 3 to WBBM-TV in Chicago, which it states will cause interference to its WCIA-TV's channel 3 NTSC service.

277. Midwest states that the most severe problem it faces is the assignment of DTV channel 8 to KABC-TV, Los Angeles. It states that this allotment threatens to devastate its KFMB-TV's existing NTSC operations. It states that KABC-TV and KFMB-TV are separated by only 171.7 km, over 102 km short of the required co-channel spacing. It states that the Longely-Rice propagation analysis indicates that approximately 116,482 persons within KFMB-TV's grade B contour will receive interference. Midwest states, however, that this analysis is incorrect due to the fact that there are numerous areas where the Commission's propagation and interference analysis "fails" but service is assumed. It states that this analysis dramatically underestimates interference and that the assignment of channel 8 to KABC-TV would jeopardize service to about 20% of its Grade B coverage area, or almost 600,000 viewers. It states that a regional solution is needed to resolve its interference problems and those of other stations in the California coastal area. It notes that MSTV has urged the Commission to adopt a regional fix; Midwest vigorously supports this approach and indicates that it is committed to cooperating in the effort to develop and implement such a solution.

278. Midwest also states that KFMB-TV's channel 55 DTV assignment violates the spacing requirements in the recent Memorandum of Understanding between Mexico and the United States with respect to an NTSC channel 57 allotment in Tijuana, Mexico. It states that, while it does not appear that the Mexican station will cause interference to KFMB-TV, KFMB-TV could cause interference to the Mexican station. It therefore states that Mexican concurrence for KFMB-TV to buildout on DTV channel 55 may not be readily obtainable. Midwest indicates that it has investigated the situation, has not been able to identify a simple solution, and thinks that a regional approach will likely prove effective for resolving it.

279. As indicated above we have made a number of changes to DTV allotments in the Los Angeles area. In this regard, we have granted ABC's request to change the DTV channel 8 allotment of its station KABC-TV. This change also addresses Midwest's concern about interference from KABC-TV's DTV channel 8 operations. Accordingly, we find that Midwest's request is now moot. In addition, we note that Midwest's statement that its channel 55 assignment violates the spacing requirements with Mexico is incorrect. Midwest's channel 55 allotment is, in fact, consistent with the recent U.S./Mexico DTV planning agreements.

280. Midwest states that its channel 3 station in Champaign will receive harmful interference from WBBM-TV's channel 3 DTV operation affecting about 28,000 people (11,000 households) within an area of approximately 2,450 square km. It states that this level of interference is not *de minimis*. It also notes that MSTV and other broadcasters have identified this area as a problem area requiring a regional solution. Midwest states that it supports this approach for addressing the interference problems faced by WCIA-TV.

281. Guy Gannett, the licensee of station WICS-TV in Springfield, Illinois, opposes Midwest's petition to the extent that it seeks a new DTV allotment for WBBM-TV, a non-Midwest station in Chicago, to alleviate supposed interference problems of WCIA-TV. Guy Gannett urges us to reject attempts by parties at this late stage to shift the burden of modification to other stations and otherwise delay the DTV transition. It emphasizes that Midwest's request concerns the Chicago market, which is slotted for the earliest transition to DTV. Guy Gannett states that it is sympathetic to Midwest's desire to protect WCIA-TV but notes that all area broadcasters face the prospect of new interference. Furthermore, Guy Gannett notes that the type of NTSC-DTV interference at issue may not come into play for some time, as the Commission is initially only requiring DTV broadcasts to be powerful enough to cover the community of license. Guy Gannett believes that identifying a regional solution is preferable to Midwest's attempt to force WBBM-TV to relocate its DTV channel.

282. We find that the DTV channel 3 allotment for WBBM-TV is fully consistent with our DTV policies. We note that this allotment is estimated to cause interference to less than 3% of the population now served by Midwest WCIA-TV's NTSC channel 3 operations. As Midwest recognizes, its station is located in a congested region of the country and it was not possible to provide all broadcasters with DTV allotments that completely eliminate interference to all stations. We find that the level of impact on Midwest's WCIA-TV is fully consistent with our

DTV allotment goals and that no change is necessary or warranted. Midwest's request that the DTV allotment of WBBM-TV be changed is therefore denied.

283. North Carolina Broadcasting Partners Petition. North Carolina Broadcasting Partners (NCBP) is the licensee of WCCB-TV, channel 18 in Charlotte, North Carolina. WCCB-TV was allotted DTV channel 21. NCBP states that channel 21 fails to achieve the goals of replication and maximization of its NTSC service and requests that another channel be allotted if proven superior to channel 21. It states that channel 21 will only reach 89% of the station's NTSC service area, although the Commission predicts a gain in population. NCBP requests that we study other potential allotments for WCCB to determine if its service can be better replicated. NCBP states that it is unable to suggest an alternative without OET Bulletin No. 69. NCBP did not submit a supplemental filing.

284. As discussed above, we are making a number of allotment changes to address potential DTV-to-DTV adjacent channel interference. To address such potential interference, we have modified the DTV allotment of WCCB-TV from channel 21 to channel 27. We note that this change will improve the service replication of WCCB-TV from 89% to over 95%.

285. Prairie Public Broadcasting, Inc. Petition and Supplemental Filing. Prairie Public Broadcasting, Inc. (Prairie) requests that we reconsider the DTV allotments provided for several of its noncommercial television stations in North Dakota. Prairie expresses concern that the DTV service of its KFME-TV in Fargo on channel 39 will receive interference from the DTV service of KXJB-TV in Valley City, North Dakota on adjacent channel 38. Prairie also raises concern that the DTV channel 56 allotment for its KGFE-TV in Grand Forks; the DTV channel 57 allotment for its KSRE-TV in Minot; the DTV channel 51 allotment for KWSE-TV in Williston; and DTV channel 22 for KBME-TV 3 in Bismarck, North Dakota will harm its seven-station network. It argues that conversion of these four low channel VHF stations to UHF DTV stations at the prescribed power levels in the DTV Table will require large increases in annual expenditures. Prairie also expresses concern that the DTV channels for KGFE-TV and for KSRE-TV are out of the core spectrum. It requests that we provide new noncommercial DTV allotments to replace the existing vacant noncommercial NTSC allotments on channel 22 at Devil's Lake, North Dakota and channel 33 at Crookston, Minnesota. In its supplemental filing, Prairie states that, despite its best efforts, it has been unable to identify specific alternative allotments. It limits its request to urging that we consider favorably the future substitution of appropriate and workable DTV channels if, as a result of other TV stations ceasing broadcasting on either NTSC or DTV channels or other changes in the Table, channels become available. It also urges that we attempt to identify and allot specific reserved DTV channels for Devil's Lake and Crookston at this time.

286. To the extent that alternative DTV channels become available, as a result of future negotiation and cooperation among local stations or parties ceasing operation, we have stated that we would act positively upon such requested changes, provided all affected broadcasters agree and the change does not result in additional interference to other stations or allotments. We are

changing the DTV allotment for Prairie's KFME-TV from channel 39 to channel 23 to address DTV-to-DTV adjacent channel interference concerns. We also confirm that we are reserving DTV channels for noncommercial allotments at Devil's Lake and Crookston.

287. Pulitzer Broadcasting Company Petition. In its petition and comments, Pulitzer Broadcasting Company (Pulitzer) requests that the community of license of its DTV channel 8 allotment for its satellite station KOFT-TV in Gallup, New Mexico, be changed to Farmington, New Mexico. It states that the change is necessary to conform with its application for modification of its CP for KOFT-TV and is permissible with *de minimis* interference to NTSC station KJCT-TV. Pulitzer also asserts that existing licensees should have the right to object during the transition to DTV-to-NTSC interference, including the DTV-to-NTSC interference predicted in the Table. It submits that, if such complaints are not resolved through private negotiations, the Commission should impose a temporary transmission power limit on DTV interference sources until there is a significant DTV audience in the markets served by those DTV stations. Pulitzer opposes all requests for changes in the Table that would result in either new interference to its full service NTSC stations during the transition or a permanent reduction in DTV coverage on its DTV channels.

288. Paxson Media Group, Inc. (Paxson) submits that Pulitzer's request that a power cap be imposed on Paxson's WPSD-TV is based on a significant miscalculation of the interference that WSPD-TV will cause to Pulitzer's WLKY-TV. Paxson states that it has confirmed the FCC's prediction of interference to WLKY-TV during the DTV transition period and that this level of interference is similar to the interference that other NTSC stations will face.¹²² Paxson states that Pulitzer's estimate that WLKY is predicted to receive nearly two to three times the interference predicted by both the FCC and Paxson is unexplained and is believed to be the result of an erroneous assumption of nondirectional rather than directional antennas. Paxson also notes that Pulitzer has itself asked to deviate from the DTV Table and cause additional interference to existing NTSC stations even though such additional interference is not explicitly permitted by the rules. In contrast, Paxson states that it is only seeking to preserve the right to operate its DTV channel within the constraints of the Sixth Report and Order. Paxson urges that Pulitzer's petition be denied since there is no additional interference to WLKY-TV beyond that which the Commission has already noted.

289. As indicated above, we have long recognized that the implementation of DTV would result in some interference to existing analog television service during the transition period. Our DTV buildout policies are intended to foster a rapid deployment of DTV to minimize the time period when such interference might occur. Our DTV Table was developed to minimize all interference to both analog and digital service. We believe that Pulitzer's proposal to further restrict DTV service and limit DTV power at the request of any affected broadcaster is

¹²² Paxson notes that the Commission predicted WLKY-TV's operations will receive interference in 5.6% of the area and 1.9% of the population and that its consulting engineers calculate interference to be 5.8% area and 1.8% population.

not in the public interest. Pulitzer states that existing licensees should have the right to object during the transition to any DTV-to-NTSC interference, including the DTV-to-NTSC interference predicted in the Table and that power limits should be placed on the DTV stations until such time as there is a significant DTV audience. We believe that adopting such an approach would help to ensure that DTV may never achieve a significant audience in certain markets. We believe that restricting the power of DTV stations as suggested by Pulitzer would inhibit the acceptance of DTV and prolong the transition period and delay the benefits of this new technology to the public. In this regard, we note that interference into analog television may result in a slightly degraded picture and may be mitigated by improved antennas or cable carriage. On the other hand, reduced power for DTV operations would mean no DTV service for significant numbers of the public. Accordingly, we are denying Pulitzer's request to limit the power of DTV stations.

290. With regard to Pulitzer's request that we change the community of license for KOFT-TV's DTV channel allotment, we note that Pulitzer was granted recently a CP to relocate KOFT-TV to Farmington. As a general matter, service replication is based on authorized facilities or construction permits held as of April 3, 1997. Pulitzer's application to change its transmitter site does not meet this test. As indicated above, we generally believe that requests to change transmitter sites should be dealt with under the DTV allotment modification procedures provided for in the rules and not as a matter for reconsideration. In this particular instance, however, we believe that the public interest would be served by making this change at this time. The change would not affect any other stations and, because of KOFT-TV's proximity to the U.S.-Mexican border, making the change now would allow us to take it into account in our on-going coordination efforts with Mexico and could help facilitate those efforts by providing additional geographic spacing with certain Mexican allotments. Thus, we are modifying the transmitter site coordinates of KOFT-TV's DTV allotment and correcting the allotment's community designation from Gallup to Farmington.

291. RGV Educational Broadcasting, Inc. Petition. RGV Educational Broadcasting, Inc. (RGV), the licensee of KMBH-TV, Harlingen, Texas, observes that the channel 38 DTV allotment provided for KMBH-TV was designated in the DTV Table as reserved for noncommercial educational (NCE) use only. RGV requests that the NCE-reserved designation for this allotment be eliminated and that it be assigned channel 38 for DTV use without an NCE reservation. RGV submits that it is a noncommercial broadcaster that has chosen to provide NCE NTSC service, including the programming of the Corporation for Public Broadcasting, on channel 60, a commercial channel. RGV argues that classification of KMBH-TV's channel as an NCE-reserved allotment would significantly lower the value of the station and hinder its ability to raise the capital necessary to continue operations. RGV further states that reservation of an additional channel for NCE use in Harlingen would not be appropriate, as 33% of the channels allotted to that market are already so reserved.

292. We agree with the petitioner that the channel 38 DTV allotment for Harlingen, Texas should not have been designated in the DTV Table as reserved for NCE use only. We find